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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4 Case 1:20-cv-03495-FB-SJB

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6 GOVERNMENT EMPLOYEES INSURANCE COMPANY,
7 GEICO INDEMNITY COMPANY, GEICO GENERAL
INSURANCE COMPANY, and GEICO CASUALTY
COMPANY,

8 Plaintiffs,

9 -against-

10 ALEXANDR ZAITSEV, M.D., METROPOLITAN
INTERVENTIONAL MEDICAL SERVICES, P.C.,
11 ANTHONY BENEVENGA, CHARLES G. NICOLA,
D.C., RIDGEWOOD DIAGNOSTIC LABORATORY,
12 L.L.C., TRI-STATE MULTI-SPECIALTY MEDICAL
SERVICES, P.C., RIVERSIDE MEDICAL
13 SERVICES, P.C., KRISTAPPA SANGAVARAM,
M.D., ALLAN, WEISSMAN, MD., EUGENE GORMAN,
14 M.D., BOGDAN NEGREA, M.D., ANTONIO
CICCONE, D.O., STELLA AMANZE, P.A., FRIDA
15 ISAKOV, P.A., LUCKNIE OVINCY, P.A., EMILY
BAKERMAN, N.P., MELISSA EVANS, N.P., MINI
16 MATHEW, N.P., ANGELA PULLOCK, N.P., LINDA
SANTA MARIA, N.P., RIVKA WEISS, N.P.,
17 CROSSTOWN MEDICAL, P.C., and WILLIAM
FOCAZIO, M.D.,

18 Defendants.

19 - - - - -x

20 XXX Truman Drive
Cressiko, New Jersey

21 September 27, 2021

22 10:00 a.m.

23 VIRTUAL VIDEO DEPOSITION

24 of

25 EUGENE SETH GORMAN, M.D.

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4 VIRTUAL VIDEO DEPOSITION of
5 EUGENE SETH GORMAN, M.D., s/h/a EUGENE
6 GORMAN, M.D., one of the Defendants in
7 the above-entitled action, held at the
8 above time and place, taken before
9 Susan C. Bartlett and Mandy Fein,
10 Shorthand Reporters and Notaries
11 Public of the State of New York,
12 pursuant to the Federal Rules of Civil
13 Procedure, notice and stipulations
14 between Counsel.
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2 APPEARANCES:
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4 RIVKIN RADLER, LLP
Attorneys for Plaintiffs
926 RXR Plaza, West Tower
5 9th Floor
Uniondale, New York 11556-3823
6

7 BY: BARRY LEVY, ESQ.
ALSO, PRESENT: COLLEEN O'NEIL, ESQ.
(Via Virtual Zoom.)
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9

10 SCHWARTZ, CONROY & HACK, P.C.
Attorneys for Defendants
11 ALEXANDR ZAITSEV, M.D., METROPOLITAN
INTERVENTIONAL MEDICAL SERVICES, P.C.,
12 ANTHONY BENEVENGA, CHARLES G. NICOLA,
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13 NEGREA, M.D., ANTONIO CICCONE, D.O.,
STELLA AMANZE, P.A., FRIDA ISAKOV,
14 P.A., LUCKNIE OVINCY, P.A., EMILY
BAKERMAN, N.P., MELISSA EVANS, N.P.,
15 MINI MATHEW, N.P., ANGELA PULLOCK,
N.P., LINDA SANTA MARIA, N.P., RIVKA
16 WEISS, N.P.

666 Old Country Road, 9th Floor
Garden City, New York 11530

17 BY: MATTHEW CONROY, ESQ.
18 ALSO, PRESENT: MARIA CAMPESE, ESQ.
19 (Via Virtual Zoom.)
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25 Appearances continued on the next page.

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APPEARANCES:

MEAD LAW FIRM, P.C.

Attorneys for Defendants

TRI-STATE MULTI-SPECIALTY MEDICAL
SERVICES, P.C.

2077 Steinway Street, Suite SL
Astoria, New York 11105

BY: WESLEY MEAD, ESQ.

(Via Virtual Zoom.)

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and among counsel for the respective
parties hereto, that the filing, sealing
and certification of the within deposition
shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form of
the question, shall be reserved to the
time of the trial;

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
before any Notary Public with the same
force and effect as if signed and sworn to
before the Court.

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THE REPORTER: Mr. Mead, do you
want a copy of the transcript?

4

MR. MEAD: No.

5

6

THE REPORTER: Mr. Conroy, do
you want a copy of the transcript?

7

MR. CONROY: Yes.

8

9

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11

THE REPORTER: Counsel, before
we begin, I just want to make a brief
statement since we are all appearing
remotely this morning.

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13

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15

16

I want to remind everyone not to
speak at the same time or over each
other. In this setting when it
happens, it becomes impossible to hear
anything and I will have to interrupt.

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Veritext has instructed us to
use the location of the witness as the
place where the deposition is being
held. That will be the address that
you see on the front page of the
transcript. I will X out any house
number for privacy concerns.

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Lastly, since we are all
appearing remotely this morning, I ask

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counsel to agree on the record that
they are allowing me to swear in the
witness remotely this morning.

Counsel, do you agree?

MR. LEVY: I agree.

MR. CONROY: I agree.

MR. MEAD: Yes, I agree.

THE REPORTER: Thank you.

I will now swear in the witness
and then we can proceed.

E U G E N E S E T H G O R M A N,
M. D., having been first duly sworn by a
Notary Public of the State of New York,
upon being examined, testified as follows:

THE REPORTER: What is your full
name?

THE WITNESS: Eugene Gorman.

THE REPORTER: What is your
current address?

THE WITNESS: 175 Truman Drive,
Cressiko, New Jersey 07626.

THE REPORTER: Counsel, please,
proceed.

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GORMAN

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would -- who would present the form to you,
3 what type of an individual in connection with
4 the work that you were doing would that
5 generally be done by?

6

A. A male or a female.

7

Q. Did that person have any medical
8 credentials?

9

A. I don't know.

10

Q. Do you know if that person worked for
11 the ASC, if that person worked for the practice
12 that you worked for?

13

A. I don't know.

14

Q. Just so that I understand your
15 testimony, if a lab referral doesn't have your
16 signature on it, you would deem that to be
17 unauthorized?

18

A. If a lab referral doesn't have my
19 signature then I didn't order it.

20

Q. Even if at the top of the referral it
21 has your name on it?

22

A. No, prescriptions have to be signed.

23

Q. That's what I'm trying to make sure
24 of, which is that, a referral that exists that
25 doesn't have your signature was not something

1 GORMAN

2 that you asked be done, right?

3 A. Correct.

4 Q. Now, there are multiple types of
5 urinalysis screening that can be done; is that
6 right?

7 A. Yes.

8 Q. And prior to 2017, the majority of
9 the screening that you authorized was done
10 on-site at the ASC's in connection with the
11 procedures that you were performing; is that
12 right?

13 A. Yes. The majority were -- well, I
14 was not always doing the procedure. Sometimes
15 I was just doing anesthesia and someone else
16 was doing the interventional pain management.

17 Q. Right, but when you were doing the
18 anesthesia or you were doing the interventional
19 pain management, the lab analysis that was
20 being done was typically done on-site with a
21 dipstick urinalysis kit, right?

22 A. A kind of dipstick, yes.

23 Q. And that was, if not all, a great
24 majority of what the cases were at that point
25 prior to 2018, right?